IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WP(C).No. 27630 of 2006(L)

PETITIONER:

A. DINESAN, S/O.T.KRISHNA MENON,
AGED 53 YEARS, SUPERVISOR(MECHANICAL
TRANSPORT DRIVER), CALICUT AIRPORT,
CALICUT AIRPORT P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR
SRI.JIJO PAUL

RESPONDENTS:

THE AIRPORT DIRECTOR,
AIRPORT AUTHORITY OF INDIA, CALICUT AIRPORT,
CALICUT AIRPORT P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No. 27630 OF 2006 L
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Dated this the 12th December, 2006

J U D G M E N T

The petitioner is a Supervisor under the respondent. His designation is Supervisor (Motor Transport Driver). In the writ petition he has designated himself wrongly as Supervisor (Mechanical Transport Driver). The main relief prayed for is for the issuance of a writ of mandamus directing the respondent to permit him to join duty in the Calicut Airport as Supervisor and for a declaration that the entire action of the respondent in not permitting him to join duty is arbitrary, unjust, illegal and violative of the principles of natural justice.

2. Counsel for the petitioner submits that the petitioner had applied for leave, but that fact has been suppressed by the respondent so as to victimise and spite him. According to the petitioner, he is not permitted to join duty without any justification which in effect amounts to termination of his services without following the proper procedure.

3. A detailed statement has been filed by the

respondent. The sum and substance of the averments made in the statement of the respondent is that the petitioner has been unauthorisedly absenting from duty. In order to resist action by the respondent he put forward the false contention that the officers of the respondent had taken back his identity card and therefore he could not join duty.

4. Counsel for the respondent submits that the statement of the petitioner that his identity card has been withheld or taken back is absolutely incorrect. In answer to a question put by this Court, counsel for the respondent submitted that if the petitioner makes an application for the supply of a duplicate identity card, the respondent is prepared to consider the same, provided it is established that he has lost the same. He also submits that the identity card is an essential document in a site like the Airport on account of security concerns and other reasons. The absence of the petitioner for the period mentioned in the writ petition also will be taken into account after considering the explanation offered by the petitioner.

5. I do not consider it necessary to resolve in

these proceedings the present dispute touching on the conduct of the petitioner and the action taken by the respondent as also those proposed to be taken against him. From the materials now available on record, I cannot but observe that I find it difficult to accept the case of the petitioner. This Court will have to embark on a fact finding mission which is a rare course of action in proceedings for judicial review. The relevant facts will have to be taken note of by the respondent based on the materials available and appropriate action, in accordance with law taken, if need be.

6. The writ petition is disposed of with the observation that if the petitioner makes an application for the supply of a duplicate identity card, the same shall be considered and appropriate decision taken. It is open to the respondent to find out a solution to the problem by following the procedure to be adopted in a case where the identity card is bonafide lost and the need for issuing a duplicate card arises. The respondent can make all safeguards to prevent the misuse of the original card by the petitioner or any

other person. If the respondent feels that the petitioner can be permitted to join duty with the identity card thus to be supplied, the same shall be given to him within a period of one week from the date of application filed in that behalf. If, on the other hand, the respondent is of the view that the petitioner cannot be permitted to join duty, formal orders to that effect shall be issued in the manner prescribed by law and following the procedure governing his service conditions.

K.K. DENESAN
JUDGE

jan/